



Metro

One Gateway Plaza
Los Angeles, CA 90012

SHIP TO:

One Gateway Plaza
Los Angeles, CA 90012
United States

VENDOR:


THRUVISION INC.
21140 Ashburn Crossing Drive
Suite 140
Ashburn, VA 20147
United States

BILL TO:

ACCOUNTS PAYABLE
AccountsPayable@metro.net
P.O. BOX 512296
Los Angeles, CA 90051-0296
United States

PURCHASE ORDER

| PURCHASE ORDER No | REVISION | PAGE |
|--|----------|--------|
| PS11156500027626 | 0 | 1 of 1 |
| PURCHASE ORDER NUMBER AND METRO PART NUMBERS MUST APPEAR ON ALL INVOICES PACKING LISTS AND CORRESPONDENCE RELATED TO THIS ORDER. | | |
| DATE OF ORDER | BUYER | |
| 31-JUL-18 | A DUMAUA | |
| DATE OF REVISION | BUYER | |

| | | | | | | | |
|---|--|---------------|----------|----------|------------|---|------------|
| VENDOR NO. 113426 | PAYMENT TERMS NET 30 | FREIGHT TERM | F.O.B | SHIP VIA | | | |
| CONFIRM TO/TELEPHONE | REQUESTOR/DELIVER TO ORTEGA, GUSTAVO A | | | | | | |
| LINE | METRO PART NUMBER/ DESCRIPTION | DELIVERY DATE | QUANTITY | UNIT | UNIT PRICE | EXTENSION | TAX |
| 1 | All prices and amounts on this order are expressed in : US Dollar Mass Transit Detection at Range Technology This PO line references contract PO#:PS11028900027626 o SHIP TO: Address at top of page | | | | | 433,828.00 | Y |
| INVOICES MUST BE SENT TO:ACCOUNTSPAYABLE@METRO.NET.VENDORS MUST HAVE A W9 ON FILE AND SIGN UP FOR ELECTRONIC PAYMENT (EFT). TO ACCESS FORMS VISIT: HTTP://METRO.NET/IMAGES/FW9.PDF AND HTTP://METRO.NET/IMAGES/EPAY.PDF AND SUBMIT TO ACCOUNTING | | | | | | TOTAL | 433,828.00 |
| I HEREBY CERTIFY THAT I DO NOT HAVE A FINANCIAL INTEREST IN THIS AWARD AND HAVE NOT RECEIVED A GIFT OR ANY GRATUITY FROM THE SELLER DIRECTLY OR INDIRECTLY THROUGH AN INTERMEDIARY | | | | | |  AUTHORIZED SIGNATURE | |

CONTRACT NO. PS110289000-27626/PO No. PS11156500027626
MASS TRANSIT DETECTION AT RANGE TECHNOLOGY

EXHIBIT A - STATEMENT OF WORK
As of 6/29/18

A. Background

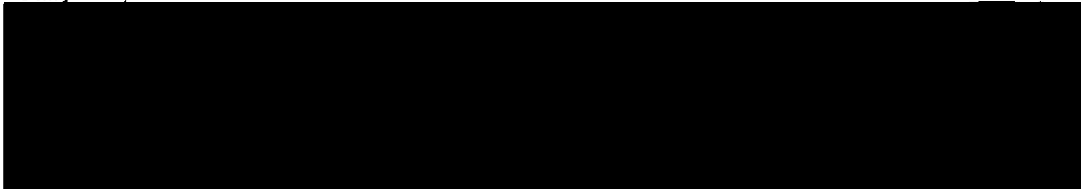
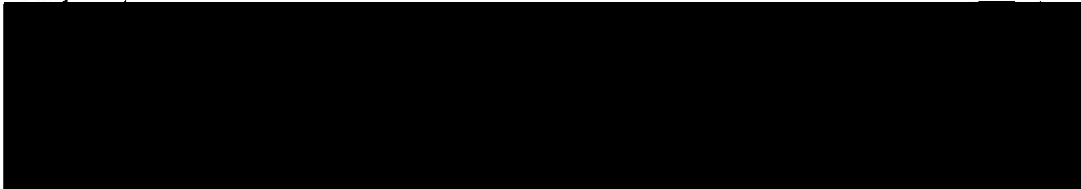
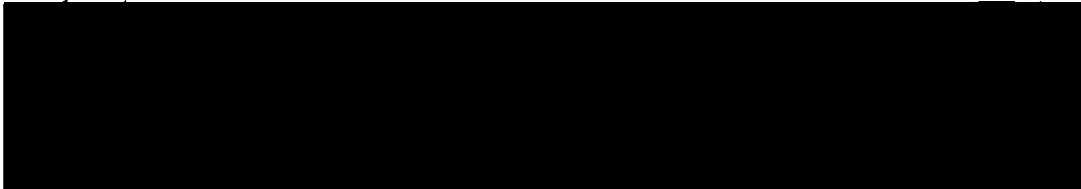
Metro has determined that the screening of passengers on commuter rail systems has to adjust to the tactics, techniques and procedures of persons and groups that are intent on killing civilians and paralyzing ground transportation. Air, rail and bus transportation areas have been recently targeted by terrorists carrying concealed explosive devices with the intent of doing as much damage as possible to the patrons and surface transit facilities such as train and bus stations.

B. Scope of Services

1. Metro is seeking to purchase four (4) safe and real time portable Mass Transit Detection at Range technology that are able to detect items underneath clothing of rail/bus patrons coming down an escalator landing or similar channeled areas. These devices will allow law enforcement agents and Metro Security to screen rail/bus patrons without disrupting flow of foot traffic and to take decisive, pre-emptive action if suspicious items are seen.
2. Contractor shall provide all peripheral devices required to operate the devices (laptop, power cords, etc.).
3. All equipment, including peripheral devices must be new and shall be warranted to be free from defects in materials and workmanship.
4. Metro will only consider devices that have been tested and approved by the United States Department of Homeland Security, Transportation Security Agency (TSA).

C. Technology Requirements

The devices must have the following features:

1. portable or wall mounted, and use 120-130 w power, with operating voltage between 90V AC-264V AC, 47-63 Hz;
2. capable to screen moving people for concealed threat items, as well as stationary subjects;
3. 
4. 
5. 

**CONTRACT NO. PS110289000-27626/PO No. PS11156500027626
MASS TRANSIT DETECTION AT RANGE TECHNOLOGY**

**EXHIBIT A - STATEMENT OF WORK
As of 6/29/18**

D. Technical Support

Contractor shall also provide the following technical support:

1. All software and software updates for a period of three years.
2. Warranty: The devices and peripherals shall include a standard factory warranty plus an additional three (3) year extended warranty.
3. Installation and commissioning within two (2) weeks of the delivery of the devices; and
4. Training: An 8-hour user training for Metro operators shall be conducted at Metro, both in the classroom and on the deployed site for the device. Training shall include, but shall not be limited to, transporting the device, installation and set-up. [REDACTED]

E. Delivery Schedule

All four (4) devices, including peripherals, must be delivered to Metro within sixty (60) days from contract award.

F. Period of Performance

The Period of Performance of this 4-year contract shall commence on July 31, 2018 (hereinafter "Commencement Date") and shall end on August 1, 2022, hereinafter ("Completion Date").

**CONTRACT NO. PS110289000-27626/PO No. PS11156500027626
MASS TRANSIT DETECTION AT RANGE TECHNOLOGY**

EXHIBIT B –PAYMENT SCHEDULE

Metro shall pay the contractor based on the following schedule:

| Item | Description | Qty | Unit Price | NTE Amount |
|-------------|---|------------|-------------------|-------------------|
| 1 | TV-TAC Thruvision TAC Camera (including laptop and Thruviewer software) | 4 | \$96,000 | \$384,000 |
| 2 | TV-ST TDS Tactical Deployment System (TDS) (including batteries) | 4 | 4,368 | 17,472 |
| 3 | TV-EXTWAR3 Warranty - extended for a total of 4 years | 4 | 4,964 | 19,856 |
| 4 | Installation and commissioning support in Los Angeles including user training | | 5,000 | 5,000 |
| 5 | Delivery charge to LACMTA (including insurance) | | 7,500 | 7,500 |
| | TOTAL | | | \$433,828 |

Total contract amount shall not exceed \$433,828.

**CONTRACT NO. PS110289000-27626/PO No. PS11156500027626
MASS TRANSIT DETECTION AT RANGE TECHNOLOGY**

EXHIBIT C - INSURANCE REQUIREMENTS

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons, or damages in property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employee or subcontractors. As respects Errors and Omissions, coverage must be maintained, and evidence provided, for two years following the expiration of this contract.

MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG0001)
2. Insurance Services Office form number CA0001 covering Automobile Liability, code 1 (any auto)
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance and Employer's Liability.

MINIMUM LIMITS OF INSURANCE

Contractor shall maintain limits no less than:

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit or \$2,000,000. Products/Completed Operations aggregate shall apply separately to this contract/agreement or the aggregate limit shall be twice the required per occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation to comply with California's statutory requirements. Policy shall also include Employer's Liability in an amount no less than \$1,000,000.

OTHER INSURANCE PROVISIONS

The insurance policies required per the terms of the contract are to contain, or be endorsed to contain, the following provisions:

1. Los Angeles County Metropolitan Transportation Authority, its subsidiaries, officials and employees are to be covered as additional insureds as respects liability arising out of the activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned leased, hired or borrowed by the Contractor. The general liability coverage shall also

include contractual, personal injury, independent contractors and broad form property damage liability. The coverage shall contain no special limitations on the scope of protection afforded to LACMTA, its subsidiaries, officials and employees.

2. For any claims related to this project, the Contractor's insurance coverage shall be primary insurance as respects LACMTA, its subsidiaries, officials and employees. Any insurance or self-insurance maintained by LACMTA shall be excess of the Contractor's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to LACMTA, its subsidiaries, officials and employees.
4. The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to LACMTA.
6. Workers' Compensation and Employer's Liability policies shall provide a waiver of subrogation in favor of LACMTA.

DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to, and amounts over \$25,000 approved by LACMTA.

ACCEPTABILITY OF INSURERS

Insurance is to be placed with California admitted, or non-admitted carriers approved by the California Department of Insurance. All carriers must have a current A.M. Best's rating of no less than A-VII, unless otherwise approved by LACMTA.

VERIFICATION OF COVERAGE

Contractor shall furnish LACMTA with original endorsements and certificates of insurance evidencing coverage required by this clause. All documents are to be signed by a person authorized by that insurer to bind coverage on its behalf. All documents are to be received and approved by LACMTA before work commences. If requested by LACMTA, the Contractor shall submit copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

SUBCONTRACTORS

Contractor shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsement for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated herein. If requested by LACMTA, the Contractor shall submit copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

JUSTIFICATION FOR EXCEPTION TO FULL AND OPEN COMPETITION

| Department Contact Information | |
|---------------------------------------|-------------------------------------|
| Contact Name: Susan Walker | Telephone: (213) 922-7464 |

1. **Description of the supplies or services required – Include or attach all identifying information including available spec. sheets, part numbers etc.**

Metro is seeking to purchase safe and real time portable Mass Transit Detection at Range technology that is able to detect items underneath clothing of rail/bus patrons coming down an escalator landing or similar channeled areas. This device will allow law enforcement agents and Metro Security to screen rail/bus patrons without disrupting flow of foot traffic and to take decisive, pre-emptive action if suspicious items are seen.

Details and specifications of the required Mass Transit Detection at Range technology is listed in Exhibit A.

2. **Estimated price:**

\$425,828

The price covers the cost of four (4) units of Thruvision TAC, inclusive of shipping, support and maintenance.

3. **Requested source – Include contact name, phone number and other identifying data.**

Thruvision TAC
21660 Red Rum Drive
Ashburn, VA 20147

Contact person: Kevin Gramer, VP Americas
Tel No: 540-878-4844
Email: kevin.gramer@thruvision.com

4. Statutory authority permitting other than full and open competition:

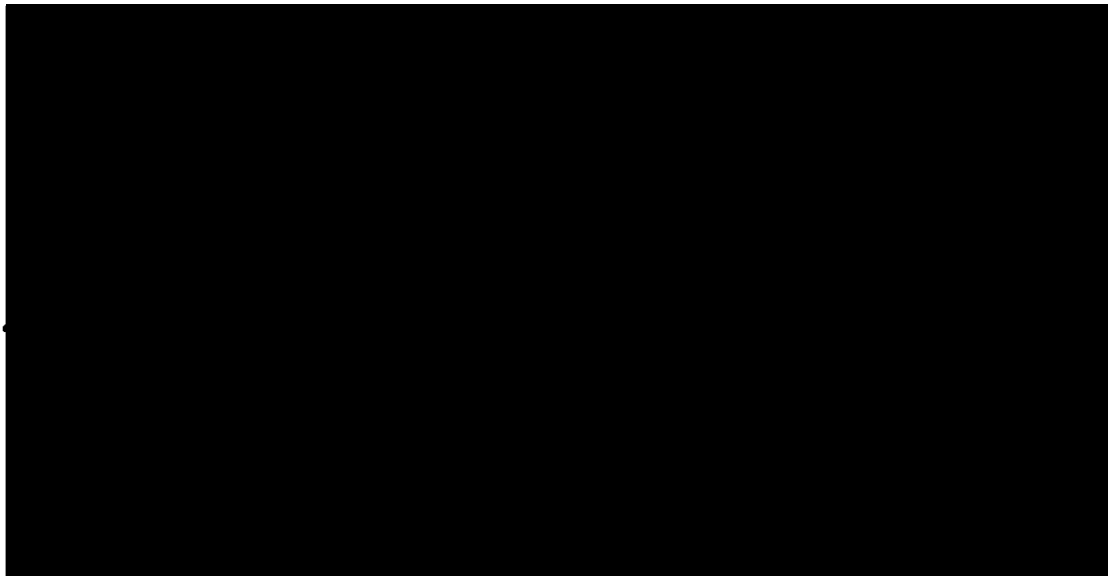
B. For purchase of services, use one of the following (check the appropriate citation):

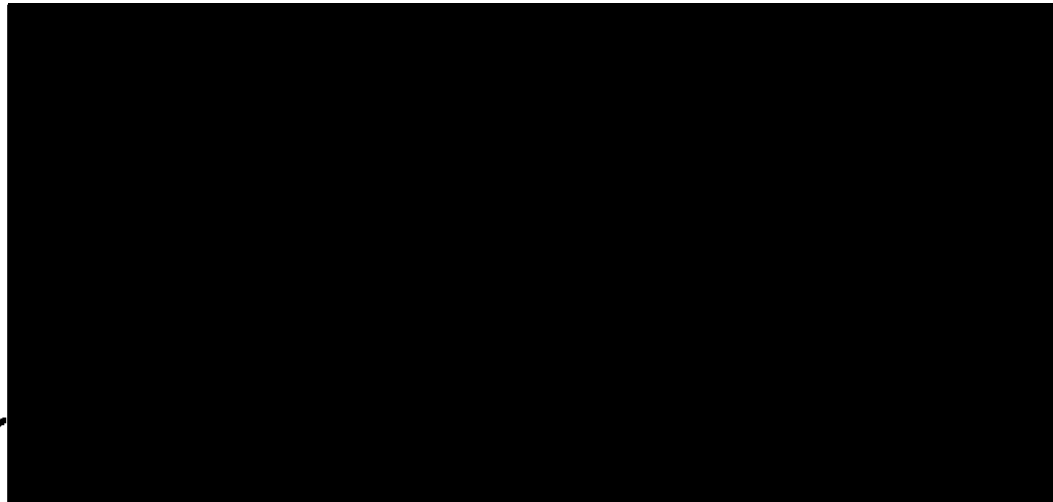
☒ The services are available only from a single source based on a unique capability or availability. The property or services are available from one source if one of the conditions described below is present: IDENTIFY WHICH APPLIES AND PROVIDE AN EXPLANATION – PROVIDE FACTUAL SUBSTANTIATION

- a. **Unique or Innovative Concept.** The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to Metro only from one source and has not in the past been available to the Metro from another source.

Metro has determined that the screening of passengers on commuter rail systems has to adjust to the tactics, techniques and procedures of persons and groups that are intent on killing civilians and paralyzing ground transportation. Air, rail and bus transportation areas have been recently targeted by terrorists carrying concealed explosive devices with the intent of doing as much damage as possible to the patrons and surface transit facilities such as train and bus stations.

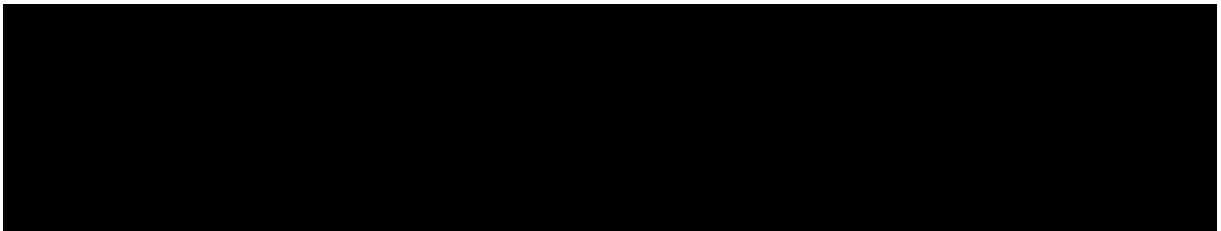
The Transportation Security Administration (TSA) is the lead federal agency in charge of securing the nation's transportation systems, which include air and surface transportation. TSA determined to use all methods available to protect the public and the US transportation system by investing in new technology to scan passengers for person-borne explosive devices (PBIED). At Metro, the only screening methods used up to this point are bomb-detecting dogs.





ADDITIONAL SUPPORTING INFORMATION

5. Other factors that demonstrate the proposed contractor's unique qualifications or how the unique nature of the acquisition requires use of the authority cited:



6. Other facts supporting the use of other than full and open competition:

Per attached letter, TSA recommends the use of the Thruvision TAC by transportation agencies to protect the public.

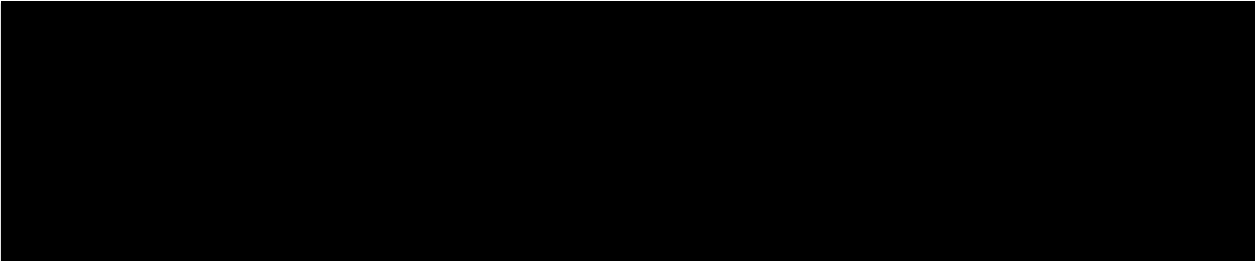
7. Sources, if any that expressed an interest in acquisition: (If any source(s) other than the proposed source expressed such interest, set forth the reasons why it or they were found not capable of satisfying the Agency's requirement.)

Only TSA approved and recommended technologies were considered for this acquisition because of the stringent oversight that TSA has imposed on the companies who have produced this technology. TSA did test other security screening technologies, but they were not recommended for use with the mass transit end-users. TSA has also briefed the US Congress on the benefits of this technology and the potential it has in identifying PBIED.

Requisition No. REQ27626

8. **Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.**

The use of Thruvision TSA will save Metro on costs for maintenance and support of bomb detecting dogs and increase efficiency and effectiveness in sweeping train stations for person-borne explosive devices. This device will give Metro the flexibility to deploy the technology at any Metro rail/bus facility and screen passengers for extended periods of time.



9. **Describe the actions the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services are taken:**

In anticipation of future acquisition of similar devices , Metro staff will coordinate with TSA to expand its vendor pool of recommended and tested Mass Transit Security devices for screening person-borne explosive devices in densely populated facilities such as railway and bus stations.

Determination & Finding:

Strategic Business Unit Chief: I certify that the supporting data presented in this justification are accurate and complete.



Alex Wiggins, Chief, Systems Security and Law Enforcement

6/28/16
(Date)

Contracting Officer [Manager level or above]: I hereby find that the justification above supports an exception to the requirements for competitive procurement and determine that a contract may be awarded on the basis cited above provided that all other provisions of MTA Acquisition Policy are complied with and the price is determined to be fair and reasonable.



Vimol Katkaphan, Deputy Executive Officer

(Date)

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20538-6028



Transportation
Security
Administration

ACTION

MEMORANDUM FOR: Alex Wiggins
Chief of Security Officer
Los Angeles Metropolitan Transit (LA Metro)

FROM: Robert A. Pryor
Director of Intermodal
Transportation Security Administration (TSA)
Office of Requirements and Capabilities (ORCA)

SUBJECT: Technology Recommendation

In November 2006, in response to the legislative requirements of the Implementing Recommendations of the 9/11 Act, TSA established a focused surface transportation security technology program. TSA engaged with major mass transit end-users including LA Metro, and have assessed and evaluated the effectiveness and suitability of the detection-at-range technologies: Thruvision TAC and QinetiQ SPO-NX.

The TSA evaluation of these security technologies consisted of a series of laboratory tests, which included several thousand double blind runs against TSAs established PBIED threat library. The systems were also inserted into field operational test beds.

These different mass transit pilot events provided end-users an opportunity to use the systems in high-throughput operational settings. Also, these systems were demonstrated for Congress to multiple representatives from the House and Senate.

TSA's extensive laboratory and field evaluations have demonstrated that the Thruvision TAC and QinetiQ SPO-NX are effective and suitable when employed in accordance with their established capabilities and limitations, which have been reported by TSA and are also available upon request, and in conjunction with appropriate concepts of operations.